

STATE OF TEXAS §  
COUNTIES OF ARANSAS §  
SAN PATRICIO AND NUECES §  
CITY OF ARANSAS PASS §

On this the 21<sup>st</sup> day of May, 2007 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Frank Hametner Mayor  
Tommy Knight Mayor Pro Tempore  
Jay Attaway, Council Member  
Grace Chapa, Council Member  
Vickie Abrego, Council Member

ABSENT:

ADMINISTRATIVE  
PERSONNEL PRESENT: Mike Sullinger, Interim City Manager  
Allen Lawrence, City Attorney  
Ada Owens, City Secretary

ADMINISTRATIVE  
PERSONNEL ABSENT: None

STAFF PRESENT: Darren Gurley, Public Works Director  
Gilbert Ritz, Fire Chief

OTHERS PRESENT: Lou McCleese, Ralph & Lu Arcemont, Eva Young, Maria Segrest, Jim & Alpha Covington, Mary Lee Grumbles, Gwenlan Sullinger, Don & Jeanie Brummett, Leroy & Jeanie Grumbles, Colleen Abshire, Jim Garner, Manuel Buentello, Ann P. Melton, Rose Ramos, Billy Ellis, Patty Gilden, Rosemary Upton, Adan Chapa, Nicole Chapa, Earl Buckmaster , Margaret Garrett

(There may have been others present who did not sign in.)

**ITEM 1. CALL MEETING TO ORDER.**

Mayor Hametner called the meeting to order at 7:00 p.m. on May 21, 2007.

**ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Mayor Hametner gave the Invocation. Mayor Pro Tempore Knight led the Pledge of Allegiance to the United States Flag.

**ITEM 3. CONSIDER AND ACT ON APPROVAL OF RESOLUTION 2007-583 ORDER DECLARING RESULTS OF CITY OFFICER'S ELECTION.**

Council Member Attaway made the motion to approve Resolution 2007-583 Order Declaring Results of City Officer's Election. Mayor Pro Tempore Knight seconded the motion and the motion carried unanimously.

**ITEM 4. STATE OF THE CITY UPDATE BY CITY MANAGER.**

Mr. Sullinger stated the last six months this Council has been in office, they had worked very hard settling things down and getting things done.

Mr. Sullinger made a statement praising the present Council for bringing the community together and moving improvements forward, including settling the Texas General Land

Office dispute with the Harbor including the financing, starting the Harbor cleanup which is a monumental task with Mayor Pro Tempore Knight heading the effort, the Over 65/Disabled tax freeze which had been ongoing for the past three years was passed, the water rates have been lowered, the Municipal Development District (MDD) and City are working together again with the civic center project on track and the swimming pool getting financial support from the MDD, new businesses - Walgreen's, Tractor Supply Company and the new animal control facility are being built. He stated the City's finances are in good shape with approximately \$1M in reserves and the City should have \$1.5M at the end of December which is the recommended three months operating reserve amount. He stated the lawsuit with APDG was settled and the Electrotex suit may be settled tonight.

The City Manager stated, at this point, he could declare the City was running smoothly and was in fairly good shape with the good leadership of Mayor Hametner and the Council. He stated he thought the Mayor and Council would agree that it also took a team of caring citizens and City staff to accomplish what had been done. He stated he was proud of Mayor Hametner, the Council and City staff, but most of all the citizens of Aransas Pass.

Mayor Hametner stated he appreciated his short term as Mayor and hoped his efforts were worthwhile. He thanked everyone for being good citizens and stated the City should go forward in the future despite any differences of opinions and they should all support the new Mayor and Council. He stated we should get the town cleaned up, talk to our neighbors and give them a helping hand.

Council Member Chapa thanked her family and friends for their support during her term. She also thanked the City employees saying they are the heart of the City and the employees keep the City running. It was her hope that the Council continue to move forward despite differences in the past.

**ITEM 5. PRESENTATION OF APPRECIATION TO OUTGOING MAYOR FRANK HAMETNER AND TO OUTGOING COUNCIL MEMBER PLACE 3, GRACE CHAPA.**

The City Manager presented plaques to outgoing Council Member Chapa and Mayor Hametner showing the City's appreciation for their service to the City and its citizens.

The City Secretary presented outgoing Mayor Hametner with gifts showing the City staff's appreciation for his leadership as Mayor.

**ITEM 6. OATH OF OFFICE AND SWEARING IN ELECTED OFFICIALS MAYOR, TOMMY KNIGHT, COUNCIL MEMBER PLACE 1, JAY ATTAWAY, COUNCIL MEMBER PLACE 3, FRANK HAMETNER, AND COUNCIL MEMBER PLACE 4, VICKIE ABREGO BY CITY ATTORNEY ALLEN LAWRENCE.**

City Attorney Allen Lawrence gave the oath of office and swore in Tommy Knight as Mayor, Council Member Jay Attaway in Council Place 1, Council Member Frank Hametner in Council Place 3, and Council Member Abrego in Council Place 4.

**ITEM 7. PRESENTATION OF CERTIFICATE OF ELECTION TO ELECTED OFFICIALS BY MAYOR KNIGHT AND SEATING IN THEIR PLACE.**

The Mayor and each Council Member was presented their Certificate of Election and seated in their respective seats.

Mayor Knight announced that Council Place 2 seat was now vacant and the City was accepting letters from any citizen interested and qualified for the seat.

**ITEM 8. CONSIDER AND ACT ON APPOINTING MAYOR PRO TEMPORE FOR ENSUING YEAR.**

After discussion Council Member Abrego made the motion to appoint Council Member Attaway as Mayor Pro Tempore. Council Member Hametner seconded the motion and the motion carried unanimously.

**ITEM 9.**      **CONSENT AGENDA** – *“All of the following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately”.*

- A. Approval of Minutes of May 7, 2007.
- B. Consider and Act on Appointing Members to the Aransas Pass Municipal Development District Board.
- C. Consider and Act on Approving a contract for the renovation of the Police Department's 911 area.

Council Member Hametner made the motion to approve the Consent Agenda. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

Ms. Karen Gayle and Ms. Annabel Seals were appointed to the Aransas Pass Municipal Development District (APMDD).

**ITEM 10.**      **UPDATE AND DISCUSSION REGARDING CIVIC CENTER FROM ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT (APMDD).**

Mr. Richard Head, President of the APMDD stated the Board had reviewed the revised civic center plans and consulted with other entities that may use the civic center and had instructed the architect to proceed with the construction plans. The Board was working closely with the School Board concerning the stage area of the plans. He stated several revisions had been made and it was discovered there were not enough restrooms for the occupancy load of the civic center. The air conditioning had been separated into zones that will save energy costs. The dividing curtains in the auditorium had been reconfigured to run with the building for cost savings. He stated the Board would be moving forward with this design.

Mayor Pro Tempore Attaway asked when would construction start?

Mr. Head stated the Board had instructed the architect to move forward with the construction plans and they anticipated starting construction in the early fall and completion in July 2008.

Council Member Hametner asked what kind of structure did the Board plan?

Mr. Head stated it would be a steel structure with primarily sloped or pitched roofs except the flat or low-pitched roofs supporting the air conditioning units. He stated the Board had formed several subcommittees to work on different design aspects of the civic center. He stated there was also a committee assisting with several changes at the Aquatics Center to make the pool a more feasible operation.

Council Member Hametner thanked Mr. Head and the Board for their hard work and cooperation to move the civic center project forward.

**ITEM 11.**      **PROCLAMATION DECLARING THE MONTH OF JUNE “CHILDREN OF THE CHOCTAW NATION MONTH.**

Mayor Knight read the proclamation and presented the proclamation to Ms. Margaret Garrett.

**ITEM 12. PROCLAMATION WELCOMING THE SAN ANTONIO FIREFIGHTERS TO ARANSAS PASS.**

Mayor Knight read the proclamation and presented the proclamation to Ms. Margaret Garrett.

**ITEM 13. PROCLAMATION DECLARING MAY 25, 2007 AS "NATIONAL MISSING CHILDREN'S DAY."**

Mayor Knight read the proclamation and presented the proclamation to the City Secretary for Police Chief Jones.

**ITEM 14. PROCLAMATION DESIGNATING THE MONTH OF MAY AS "SENIOR CITIZEN MONTH."**

Mayor Knight read the proclamation and presented the proclamation to Ms. Eva Young.

**ITEM 15. CONSIDER AND ACT ON APPROVING THE SUBMISSION OF A GRANT TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR PLANTING PALM TREES ON HARRISON BLVD.**

Mr. Jim Covington, a member of the citizen's group The Harrison Blvd. Palm Tree Committee, discussed the planting of palm trees on Harrison Blvd. and gave a report on the TXDOT Landscape Cost Sharing Programs that allows TXDOT to supply materials valued up to 50% of total project cost providing the total cost is in excess of \$25,000.00. He stated 50% of the project cost (\$50,425.00) would be covered under the supply of trees and planting materials estimated cost of \$52,425.00. The City would then match the required 50% with the City's \$35,700.00 non-cash contribution and a cash contribution of \$14,725.00 for a total of \$50,425.00.

Mayor Knight stated there was a problem, palm trees need maintenance and there are untrimmed palm trees in the City now because the Public Works Director does not have the equipment or manpower to trim the palm trees.

The City Manager stated the City would have to budget for the maintenance of the palm trees. The State would maintain the palm trees the first two years.

Mayor Knight stated the City needed to buy a good, used bucket truck for the maintenance.

Council Member Abrego asked would the City or landscaper install the irrigation system?

Mr. Covington stated the City.

The Public Works Director stated the water was already on the boulevard but he would put in smaller meters and backflow-preventers and the landscapers would run all the irrigation to the trees. He stated the City would maintain the trees for two years, pay for the water, and remove unwanted shrubs as part of the City's in-kind match (\$35,000.00).

Council Member Hametner asked why did the committee pick palm trees?

Mr. Covington stated tourists expect to see palm trees in the area and Harrison Blvd. carries 60-70% of the traffic through town and a lot of that traffic is tourists.

After discussion, Council Member Hametner made the motion to approve the submission of a grant to the TXDOT for planting palm trees on Harrison Blvd. Council Member Abrego seconded the motion and the motion carried unanimously.

**ITEM 16.**      **CONSIDER AND ACT ON BUDGET AMENDMENT REGARDING APDG.**

The City Manager stated the budget amendment would pick up some of the checks written out of the Harbor Fund for attorneys' fees and the APDG settlement agreement which totaled \$173,100.00.

Council Member Hametner made the motion to approve amending the budget for the attorney's fees and payment to APDG. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 17.**      **CONSIDER AND ACT ON HIRING A NEW CITY MANAGER.**

Mayor Knight stated Mr. Gary Broz had declined the City's offer.

After discussion, the Council gave the City Manager instructions to advertise again for a City Manager and talk to the other two top applicants.

**ITEM 18.**      **REPORTS FROM CITY MANAGER AND STAFF AND PUBLIC COMMENTS:**

*At this time the Mayor, City Council, Staff and Public comments may be given. Reports or updates on any assignments which include but are not limited to grants, building and development, budgets, financial reports and any other projects may be given. No formal action can be taken on any of these items at this time. Comments will be limited to 3 minutes each.*

The City Manager stated he had started the budget process and Phase II would start soon in the Harbor. He stated he thought the new harbor lease process would start with the new city manager, but it should start soon. He suggested the Council start considering the harbor leases June 4 after the final Council Member is selected.

The City Manager stated Phase II for the Harbor would cost \$53,000.00 and would have to be paid out of the Harbor Fund. He stated the City did not have to conduct the Phase II (environmental survey) but they should know what is in the land. It was the consensus of the Council that Phase II should be completed.

Council Member Hametner asked when will the Phase I report be ready?

The City Manager stated the Phase I report was ready and the City did not have to have a Phase II study done on the "trade tract" as it came out clean. The airport property had underground fuel tanks so the engineers want to do a Phase II study on the soil that was around the fuel tanks, which have been removed. He stated there will be a Phase II study on the LWR property because the engineers suspect problems. He stated the GLO part of the Harbor Phase II survey will cost approximately \$30,000.00 because the engineers must drill 12 wells and three of the wells will be permanent. He stated there was no cleanup in Phase II but it would give them the cost of cleanup, Phase III was the actual cleanup phase.

Ms. Rose Ramos spoke to the Council concerning the gang related activity and shootings in town, in her neighborhood and at her house and the ineffectiveness of the police department. When she contacted the Police they had told her they were overwhelmed and needed more help.

Council Member Hametner thanked Ms. Ramos for coming forward. He stated that he disagreed the police were understaffed and overwhelmed and the police needed to get on top of the situation.

The City Manager stated one of the contributing factors of the criminal activity in Ms. Ramos' neighborhood was the lack of lighting. He stated Mr. Gurley was conducting a survey and the City would be installing lights in the neighborhood.

Ms. Colleen Abshire also reported there were shootings in her neighborhood, three patrol cars stopping one car and the conduct of skateboarders at the Dairy Queen.

Ms. Eva Young complained she could not replace her burned trailer because the zoning had been changed.

**ITEM 19.**      **RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Recessed into Executive Session in Municipal Court Room at 8:09 p.m.

A. Section 551.071, Consultation with Attorney – Legal Matters regarding Electrotex.

**ITEM 20.**      **RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.**

Reconvened into Open Session at 8:24 p.m.

A. Section 551.071, Consultation with Attorney – Legal Matters regarding Electrotex.

Council Member Hametner made the motion to accept a settlement offer from Electrotex. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 21.**      **ADJOURNMENT OF MEETING.**

Mayor Knight recognized retired City employees Leroy and Jeanie Grumbles in the audience and thanked them for their years of service to the City.

Mayor Pro Tempore Attaway made the motion to adjourn the meeting. Council Member Abrego seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 8:26 p.m.

ATTEST:

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Tommy Knight, Mayor

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Ada Owens, City Secretary